

REMARKS

Claims 1-12 and 21-27 are currently pending in the subject application and are presently under consideration. Non-elected claims 13-20 have been cancelled and previously-presented claims 21-26 have been withdrawn, but applicant reserves the right to pursue these claims in a subsequently-filed divisional application. Claim 28 has been amended as shown on pp. 2-4 of the Reply.

Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Rejection of Claims 1, 2, 3, 5, 6 and 9 Under 35 U.S.C. §102(b)

Claims 1, 2, 3, 5, 6 and 9 stand rejected under 35 U.S.C. §102(b) as being anticipated by Siegel (US 2,073,231). Withdrawal of this rejection is requested for at least the following reasons. Siegel does not disclose each and every limitation set forth in the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that “*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

As noted in applicant’s previous Reply, the invention as recited in claim 1 relates to an *outer garment comprising an inner pocket and a vest/liner formed to selectively be worn in one of alone and coupled to the outer garment*. The vest/liner has *an access slit that facilitates access to the inner pocket of the outer garment* when coupled to the outer garment, and means are provided for fastening and at least partially coupling the vest/liner to the outer garment such that *the inner pocket is accessible via the access slit when the vest/liner is coupled to the outer garment*. It is maintained that Siegel does not disclose or suggest these novel features.

Rather, Siegel relates to a common overcoat having a removable interlining. The Examiner reads Siegel’s slits 60 onto both the claimed access slit and inner pocket, and cites a passage of Siegel from page 2, col. 2, line 44 to page 3, col. 1, line 3 that allegedly

discloses the claimed inner pocket is accessible via the access slit when the vest/liner is coupled to the outer garment. However, the Examiner is mistaken in interpreting this passage in such manner. The reference actually discloses “a pocket so designed that in inserting the hand normally into the pocket there will be no danger of having the hand go through the slit.” (*See*, page 2, col. 2, lines 56-59, emphasis added.) The subject passage and Figs. 15 and 16 disclose “the slash pocket is provided with a lining lying between the two laminations 51 and 52 of the coat body.” (*See*, page 2, col. 2, lines 60-62.) As depicted in Fig. 15, a short portion of the coat body (54) extends into the pocket “providing a normally inaccessible slit 53.” (*See*, page 2, col. 2, lines 66-67, emphasis added.) In Fig. 16, the short portion 54 and the laminations 51, 52 are bypassed to open the “slit 53” and allow access to a sack coat pocket underneath the top coat. “Slits 60” are provided in the liner “so that the pocket construction of Figs. 15 and 16 may be of value even with the interlining in place,” *i.e.* so as to not obstruct access from the “slit 53” to the sack coat underneath. It is readily apparent from this disclosure that: 1) the pocket of Siegel is directly accessible through the top coat, not through the liner, as presently claimed; and 2) the slit 60 in the liner is used to gain access to a sack coat from the top coat, not to a pocket in the top coat, as presently claimed. The Examiner additionally cites page 1, col. 1, lines 47-54 of Siegel. However, this passage simply states that Siegel’s design seeks to “improve the pocket construction of the outer coat and permit access to a sack coat pocket through the outer coat pocket with or without the lining in place” and “to simplify the construction of the lining forming garment and particularly the collar portion thereof and the fastener device concealing means.” Therefore, it is clear that Siegel fails to disclose a *garment* having a *vest/liner* with *an access slit that facilitates access to the inner pocket of the outer garment when coupled to the outer garment* and a fastening arrangement such that *the inner pocket is accessible via the access slit when the vest/liner is coupled to the outer garment*.

In view of at least the foregoing arguments, it is readily apparent that Siegel does not disclose or suggest every aspect of the claimed subject matter. Accordingly, the rejection of independent claim 1 (and claims that depend there from) should be withdrawn.

II. Rejection of Claims 4, 11 and 12 Under 35 U.S.C. §103(a)

Claims 4, 11, and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Siegel in view of Jordan (US 2002/0189000). Withdrawal of this rejection is requested for at least the following reasons. Claims 4, 11, and 12 depend from independent claim 1; and as stated *supra*, Siegel does not disclose or suggest every limitation set forth in the subject independent claim, and Jordan does not cure the aforementioned deficiencies. Accordingly, this rejection should be withdrawn.

III. Rejection of Claims 7, 8 and 10 Under 35 U.S.C. §103(a)

Claims 7, 8, and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Siegel in view of Anderson (US 3,055,133). Claims 7, 8, and 10 also depend from independent claim 1; and as stated *supra*, Siegel does not disclose or suggest every limitation set forth in the subject independent claim, and Anderson does not cure the aforementioned deficiencies. Accordingly, this rejection should be withdrawn.

IV. Rejection of Claims 27 and 28 Under 35 U.S.C. §103(a)

Claims 27 and 28 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Siegel in view of Lenart (US 5,468,152). Independent claim 27 relates to *an outer garment comprising an inner pocket and a vest/liner having an access slit that facilitates access to the inner pocket of the outer garment, the vest/liner can be at least partially coupled to the outer garment by means for fastening and the inner pocket is accessible via the access slit when the vest/liner is coupled to the outer garment*, as also recited in independent claim 1; and as stated *supra*, Siegel does not disclose or suggest every one of these limitations as set forth in the subject independent claim, and Lenart does not cure the aforementioned deficiencies. Accordingly, the rejection of independent claim 27 (and claim 28 that depends there from) should be withdrawn.

CONCLUSION

The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [KOYOP101USA].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,
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